

TEX. R. CIV. P. 106(b)). Service via email is appropriate “when the record shows (1) diligent efforts to effect traditional service at a physical address and (2) that the defendant has recently communicated using the e-mail address proposed for service.” *Id.* at *3 (collecting cases).

Here, the record reflects that Plaintiff has diligently attempted to serve Defendants at a physical address, and provided affidavits including the dates and times of attempted service. *See* Doc. #7, Ex. 4 at 2–3, Ex. 5 at 2–3. The record also reflects that Hoats, who is Phase III’s sole owner and president, has recently communicated using the email address that Plaintiff has proposed for service. *See* Doc. #7, Ex. 3 at 2, Ex. 7 at 2. Accordingly, the Court finds that service via email is appropriate in this case.

For the foregoing reasons, the Court hereby GRANTS the Motion for Alternate Service of Process. Doc. #7. The Court further ORDERS that service of process may be made on Phase III and Hoats by sending the Complaint, exhibits, and summons via email to their known email address, steve@phase3env.com.

It is so ORDERED.

AUG 05 2024

Date



The Honorable Alfred H. Bennett
United States District Judge